

# **Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions**

## **Assignment of Right-Of-Way (ROW) AZA-31756 DOI-BLM-AZ-P010-2012-012- CX**

### **A. Background**

BLM Office: Hassayampa Field Office (HFO)

Lease/Serial/Case File No.: AZA-31756

Proposed Action Title/Type: ROW Assignment

Applicant: Bill & Shirley Olson

Project Code: LLAZPO10000 1430 ER

Location of Proposed Action:

T. 12 N., R. 1 E., G&SR Meridian, Yavapai County, Arizona  
Section 23, S½SW¼SE¼.

USGS Mayer 1974 7.5 Minute Series Quadrangle, Topographic Map, Arizona - Yavapai County. The subject land is located in Mayer, Arizona just north of highway 69 off of Copper Road. See enclosed Exhibit A (topographic map) and Exhibit B (visual map).

#### **Description of Proposed Action:**

The applicants request the assignment of a 30-year road ROW (AZA-31756) for access to their private property, formally owned by deceased grantee Fred Lorette and survivor Shirley Lorette. No new construction is necessary. The applicants would only be allowed that which is stipulated in the original grant and required to comply with any additional mitigation measures, stipulated by Bureau of Land Management (BLM) resource specialists (see Attachment 2 and 3), created within this document. The pre-existing road ROW, to access the owner's private land, is 900 feet in length and 24 feet in width. The total amount of public land involved is approximately .50 acres.

### **B. Land Use Plan Conformance**

Land Use Plan (LUP) Name: Bradshaw Harquahala Resource Management Plan

Date Approved/Amended: 4/22/2010

☐ The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

☒ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Land Use Authorization LR-24, "Continue to issue land use authorizations (right-of-way, leases, permits, easements) on a case-by-case basis and in accordance with resource management prescriptions in this land use plan."

### **C: Compliance with NEPA**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with BLM NEPA Handbook H-1790-1, Appendix 4 or 516 Departmental Manual (DM) 11.9:

Categorical Exclusions E. Realty (9), “Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.”

A categorical exclusion (CX) is appropriate as there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in H-1790-1, Appendix 5 or 516 DM 2, Appendix 2 apply.

[NOTE: Appropriate staff should determine exception, comment, and initial for concurrence. If exceptions apply to the action or project, and existing NEPA documentation does not address it (i.e., Part III) then further NEPA analysis is required. Attachment 1 (BLM Categorical Exclusions: Extraordinary Circumstances), enclosed, is a checklist of each extraordinary circumstance and corresponding staff concurrence].

### **D. Signature**

*Review: We have determined that the proposal is in accordance with CX criteria and that it would not involve any significant environmental effects (see Attachment 1). Therefore, it is categorically excluded from further environmental review.*

**Prepared by:**

\_\_\_\_\_/S/ Hillary Conner

**Hillary Conner  
Realty Specialist**

**Reviewed by:**

\_\_\_\_\_/S/ Jim Andersen

**Jim Andersen  
Lead Realty Specialist**

**Reviewed by:**

\_\_\_\_\_/S/ Jim Andersen

**FOR Leah Baker  
Planning & Environmental Coordinator**

### **E. Contact Person**

For additional information concerning this CX review, contact: Hillary Conner, Hassayampa Field Office Realty Specialist, by phone 623-580-5649, e-mail hconner@blm.gov, or the BLM Phoenix District Office address at 21605 N. 7th Avenue Phoenix, Arizona 85027.

**Note:** A separate decision document must be prepared for the action covered by the CX.

## F. Recommendation

Project Description: The applicant has applied for the assignment of ROW AZA-31756, authorization for the continued use of an existing road ROW. The road provides access to the applicant's private property. If approved, the assignment will keep the expiration of the original grant or February 6, 2032.

Determination: Based on a review of the project described above and field office staff recommendation in Attachment 1 (BLM Categorical Exclusions: Extraordinary Circumstances), I have determined the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. I concur with the proposed action provided the decision document includes any newly relevant mitigation measures (Attachment 2, Mitigation Measures / Other Remarks for AZA-31756) as well as the stipulations contained in the original grant.

Approved by: /S/ Elroy Masters Date: 2/1/2012  
**Elroy Masters**  
**Acting Hassayampa Field Manager**

BLM Categorical Exclusions: Extraordinary Circumstances<sup>1</sup>  
**Attachment 1**

CRITERIA	<u>Comment (Y/N)</u>	<u>Staff Initial</u>
1. Have significant impacts on public health and safety?	<u>NO</u>	<u>HC</u>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?	<u>NO</u>	<u>HC</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	<u>NO</u>	<u>HC</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	<u>NO</u>	<u>HC</u>
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	<u>NO</u>	<u>HC</u>
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	<u>NO</u>	<u>HC</u>
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?	<u>NO</u>	<u>HC</u>
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?	<u>NO</u>	<u>HC</u>
9. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?	<u>NO</u>	<u>HC</u>
10. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	<u>NO</u>	<u>HC</u>

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| 11. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?   | <u>NO</u> | <u>HC</u> |
| 12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)? | <u>NO</u> | <u>HC</u> |

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<sup>1</sup> If an action has any of these impacts, you must conduct NEPA analysis.

Persons/Agencies Consulted:

- ❖ BLM, Field Office Specialist - Realty Specialist Hillary Conner (HC).

BLM Mitigation Measures/Other Remarks for AZA-31756  
**Attachment 2**

1. All terms and conditions of the original grant continue to apply.
2. All applicable regulations in accordance with 43 Code of Federal Regulation (CFR) 2800.
3. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder or any person working on the holders behalf, on public or federal land shall be immediately reported to the Authorized Officer (AO). The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the AO. An evaluation of the discovery will be made the AO to determine the appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation and any decision as to the proper mitigation measures will be made by the AO after consulting with the holder.
4. The holder shall protect all survey monuments found within the ROW. Survey monuments include, but are not limited to, General Land Office (GLO) and Bureau of Land Management (BLM) Cadastral Survey Corners, reference corners, witness points, United States (U.S.) Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the AO and the respective installing authority if known. Where GLO or BLM ROW monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the AO. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
5. The holder shall inform the AO within 48 hours of any accidents on federal lands that require reporting to the Department of Transportation as required by 49 CFR Part 195.
6. The holder shall comply with all State and Federal laws applicable to the authorized use and such additional State and Federal laws, along with the impending regulations, that may be enacted and issued during the term of the grant.
7. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
8. Holder shall maintain the ROW in a safe, usable condition, as directed by the AO.
9. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
10. The ROW reserves to the Secretary of the Interior, or lawful delegates, the right to grant additional ROW, leases, or easements on BLM land for compatible uses over, under, within or adjacent to the lands involved in this grant.

11. No vegetative material, debris or refuse shall be disposed of either within the ROW or on any other federal land. Instead, the holder shall dispose of any vegetative material, debris and/or refuse at legal off-site locations.
12. The holder shall meet Federal, State, and local emission standards for air quality.
13. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the ROW or on facilities authorized under this ROW grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the AO concurrent with the filing of the reports to the involved Federal agency or State government.
14. The holder shall fully indemnify or hold harmless the U.S. for any liability, for damage, or claims arising in connection with the holder's use and occupancy of the ROW.
15. The holder of Right-of-Way AZA-31756 agrees to indemnify the U.S. against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the ROW, unless the release or threatened release is wholly unrelated to the ROW holder's activity on the ROW. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
16. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
17. This ROW may be renewed. If renewed, the ROW will be subject to regulations existing at the time of renewal, and such other terms and conditions deemed necessary to protect the public interest.
18. Upon expiration of the ROW or upon abandonment, whichever comes first, the holder will restore the lands to their natural grade and condition so far as it is practicable and/or to the satisfaction of the AO.
19. Prior to termination of the ROW, the holder shall contact the AO to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.